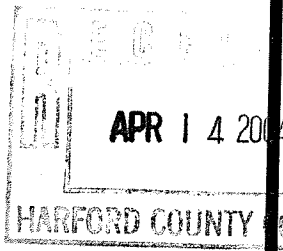


STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014



Case No. 5424
 Date Filed 4-13-04
 Hearing Date _____
 Receipt _____
 Fee 450⁰⁰

Shaded Areas For Office Use Only

Type of Application

☐ Administrative Decision/Interpretation☐ Special Exception☐ Use Variance☐ Change/Extension of Non-Conforming Use☐ Minor Area Variance☐ Area Variance☐ Variance from Requirements of the Code☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5424 MAP 48 TYPE Variance

ELECTION DISTRICT 3 LOCATION 1314 Southwell Lane, Bel Air, Md. 21014

BY David and Shirley Spearin (Patio Enclosures Inc., 224 8th Ave NW, Glen Burnie, Md. 21061)

Appealed because a variance pursuant to Section 267-36B, Table V of the Harford County Code to
 allow a sunroom within the 40 foot rear yard setback (31 foot proposed) in a R2 District requires approval
 by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant - - - (please print or type)

Name David Spearin Shirley Spearin Phone Number 410-836-8605

Address 1314 Southwell Ln. Bel Air, MD 21014-2235
Street Number Street City State Zip Code

Property Owner Same as Applicant. Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser Shirley Spearin Phone Number 410-836-8605

Address 1314 Southwell Lane - Bel Air MD 21014
Street Number Street City State Zip Code

Attorney/Representative Patio Enclosures Inc... Phone Number 410-760-1919

Address 224 8th Ave NW Glen Burnie, MD 21061
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1314 Southwell Ln. Bel Air, MD 21014

Subdivision Parl Ridge Lot Number 131

Acreage/Lot Size 10,000 sf Election District 03 Zoning R2

Tax Map No. 48 Grid No. 1E Parcel 436 Water/Sewer: Private _____ Public xx

List ALL structures on property and current use: SFD, Screen porch.

Estimated time requested to present case: 15 Minutes

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No xx

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes _____ No xx

Is this request within one (1) mile of any incorporated town limits? Yes xx No _____

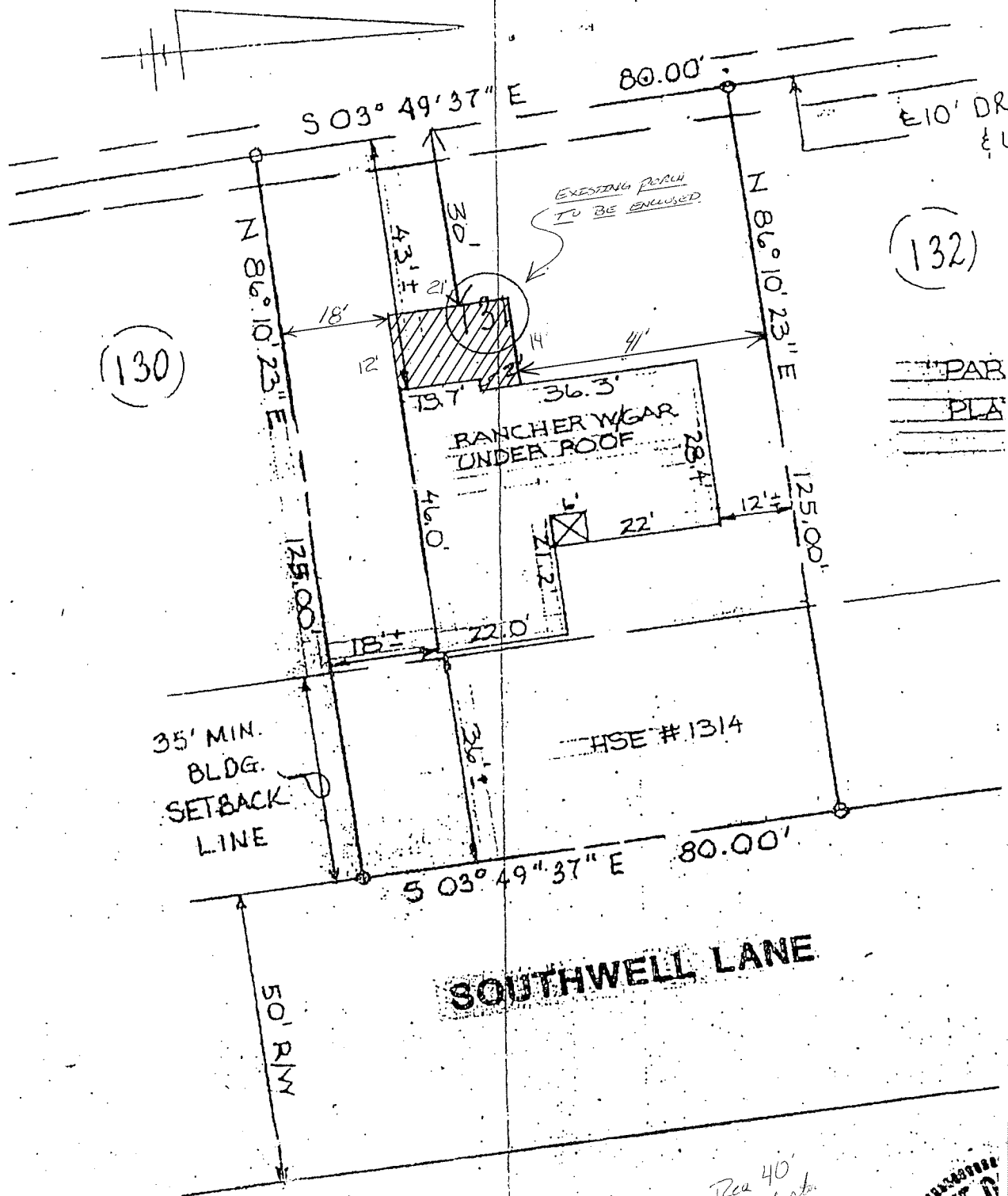
Request

Request a variance to allow an existing screen porch to be enclosed with glass
and screen for a heated, 21' x 12' sun room having a rear yard setback of 31'
in lieu of the required 40' in an R 2 zone.

Justification

- ① HOUSE PLACED BY BUILDER ALLOWING ONLY 3' TO THE REQ'D REAR YARD SETBACK.
- ② PORCH ROOF IS EXISTING, ON HOUSE WHEN PURCHASED BY MRS. SPEARIN.
- ③ HOUSE IS MODEST IN SIZE.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval requested. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



INFORMATION ON THIS PLAT SHOWS ONLY THAT IMPROVEMENTS INDICATED HEREON ARE LOCATED SHOWN ON THE LOT UPON ON THEY ARE ERECTED AND IS NOT INTENDED TO ABOLISH PROPERTY LINES.

Tree 40'
Rem. just after
1"=20'



[Signature] 4/10/04

LOCATION SURVEY
EXISTING IMPROVEMENTS

WINDWARD ASS
R. S. DABKE, S.T.

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



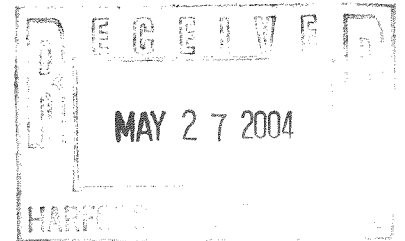
J. STEVEN KALL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 27, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5424

APPLICANT/OWNER: David and Shirley Spearin
1314 Southwell Lane, Bel Air, Maryland 21014-2235

CONTRACT PURCHASER: Shirley Spearin
1314 Southwell Lane, Bel Air, Maryland 21014-2235

REPRESENTATIVE: Patio Enclosures Inc.
224 8th Avenue NW, Glen Burnie, Maryland 21061

LOCATION: 1314 Southwell Lane/Parliament Ridge
Tax Map: 48 / Grid: 1E / Parcel: 436 / Lot: 131
Election District: Third (3)

ACREAGE: 10,000 square feet

ZONING: R2/Urban Residential District

DATE FILED: April 13, 2004

HEARING DATE: June 9, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Request a variance to allow an existing screen porch to be enclosed with glass and screen for a heated, 21' x 12' sun room having a rear yard setback of 31' in lieu of the required 40' in an R 2 zone."

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5424

David & Shirley Spearin

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Justification:

1. "House placed by builder allowing only 3' to the req'd rear yard setback."
2. "Porch roof is existing, on house when purchased by Mrs. Spearin."
3. "House is modest in size."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow a sunroom within the 40-foot rear yard setback (31-foot proposed) in an R2/Urban Residential District.

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located north of Vale Road in the development of Parliament Ridge. The Applicants' lot is situated on the west side of Southwell Lane. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The Applicants' property is located within the Development Envelope. The predominant land use designations in the area include Low, Medium and High Intensities. The Natural Features Map reflects stream buffer systems. The subject property is located in the Medium Intensity designation, which is defined by the 1996 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 1996 Master Plan. Residential uses include single-family dwellings, townhouses, garden apartments and condominiums. Commercial uses are mainly located to the east along Rock Spring Road (Route 24). Other land uses include schools, churches, a cemetery and parks. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The Applicants' property is rectangular in shape with road frontage on the west side of Southwell Lane. The lot is approximately 10,000 square feet in size with level to rolling topography. Improvements consist of a brick and frame L-shaped rancher with an attached two-car garage. Other improvements include a covered porch attached to the rear of the dwelling, a

STAFF REPORT

Board of Appeals Case Number 5424

David & Shirley Spearin

Page 3 of 3

concrete driveway and a utility building located in the rear yard. The lot slopes up from the road to the front of the house, leveling off to the rear property line. The property is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report are copies of a topography map, an enlargement of the aerial photograph and site photographs (Attachments 7, 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 1996 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property is zoned R2/Urban Residential District. A copy of the Zoning Map is enclosed with the report (Attachment 10).

SUMMARY:

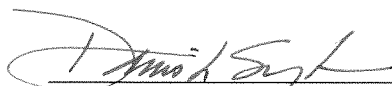
The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow a sunroom within the 40-foot rear yard setback (31-foot proposed) in an R2/Urban Residential District.


Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The house is located substantially behind the minimum building setback line, therefore reducing the buildable area to the rear of the dwelling. There are similar additions existing in the neighborhood. Enclosing the existing porch will not have an adverse impact on the adjacent properties or the intent of the Code. The Applicants have planted Leyland Cypress trees that will over time screen the addition from the adjacent properties.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the Applicants obtaining all necessary permits and inspections.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka